



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
Attorney General

DIVISION OF SOCIAL JUSTICE  
Environmental Protection Bureau

March 4, 2025

BY CM/ECF

The Honorable Daniel J. Stewart  
U.S. Magistrate Judge  
United States District Court for the Northern District of New York  
James T. Foley U.S. Courthouse  
445 Broadway, 4<sup>th</sup> Floor  
Albany, New York 12207

Re: *West Virginia v. James*  
No. 1:25-cv-00168-BKS-DJS

Dear Magistrate Judge Stewart:

Our office represents defendants Attorney General Letitia James, Commissioner Sean Mahar, and Acting Commissioner Amanda Hiller (collectively, “the State”) in the above-referenced matter. Pursuant to Federal Rule of Civil Procedure 6(b), I write to respectfully request that the Court grant the State an extension of time until Tuesday, April 29, 2025 to answer or otherwise respond to the complaint in this action. We have communicated with counsel for plaintiffs, and they have informed us that all plaintiffs consent to this extension.

Plaintiffs challenge New York’s recently enacted Climate Change Superfund Act (“the Act”). The Act creates a means by which New York State may recover from certain businesses engaged in fossil fuel extraction or refining the costs that the State has incurred for projects to avoid, moderate, repair or adapt to negative impacts caused by climate change. *See generally* N.Y. Env’tl. Conserv. L. §§ 76-0101–0105. In their 69-page complaint, plaintiffs have asserted a number of constitutional challenges to the Act.

Plaintiffs served the State on January 18, 2025, and accordingly, under Federal Rule of Civil Procedure 12(a)(1)(A)(i), the State currently has 21 days, until March 11, 2025, to answer or otherwise respond to the complaint. The State seeks

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the extension both to provide adequate time to analyze and respond as appropriate to the complexities of the complaint and in light of counsel's workload in other unrelated litigation. Extending the time to respond would not prejudice the plaintiffs.

In addition, a different set of plaintiffs filed a similar challenge to the Act, as recently amended, against some of the same defendants in the Southern District of New York on February 28. The extension would provide time for the State to coordinate analysis and responses regarding the two actions.

Thank you for the Court's consideration of this request.

Respectfully submitted,

By: /s/ Laura Mirman-Heslin  
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